

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 15-182 (DWF/LIB)

Plaintiff,

v.

**MEMORANDUM
OPINION AND ORDER**

William Ike Libby, Jr.,

Defendant.

INTRODUCTION

This matter is before the Court on Defendant William Ike Libby, Jr.'s *pro se* motion for recalculation of criminal history points and appointment of counsel. (Doc. No. 209.) For the reasons discussed below, the Court denies Libby's motion.

DISCUSSION

Libby previously moved for a sentence reduction under Amendment 821 on February 12, 2024. (Doc. No. 195.) The Court denied this motion on November 5, 2024, after finding that Amendment 821 did not affect his guidelines range. (Doc. No. 208.) While Amendment 821 had the effect of lowering Libby's criminal history points from a total of 22 to a total of 21, this change did not alter his criminal history category. Both a total of 21 points and a total of 22 points put a defendant in criminal history category VI under the U.S. Sentencing Guidelines. Because Libby's criminal history category did not change, his applicable guidelines range did not change. Thus, the Court previously concluded that he was ineligible for a sentence reduction under 18 U.S.C. § 3582(c)(2).

Libby now asks the Court to conduct the analysis under Amendment 821 again. The Court appropriately calculated Libby's guidelines range in its order on November 5, 2024, and did so after receiving filings from the Probation Office, the Federal Defender's Office, and the U.S. Attorney's Office. Accordingly, the Court denies Libby's motion for recalculation of criminal history points and denies Libby's accompanying request for the appointment of counsel.

ORDER

Based upon the foregoing, and on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant William Ike Libby, Jr.'s motion for recalculation of criminal history points (Doc. No. [209]) is **DENIED**.
2. Defendant William Ike Libby, Jr.'s motion for appointment of counsel (Doc. No. [209]) is **DENIED**.

Dated: December 6, 2024

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge